

APPENDIX III

GRADING PERMIT

1. TITLE

This appendix may be deemed the Grading Ordinance of the City of Manitou Springs and may be so cited and pleaded.

2. PURPOSE

The purpose of this ordinance is to protect the health, safety, and welfare of the citizens of Manitou Springs by:

- a. Ensuring that the development of each site occurs in a manner harmonious with adjacent land so as to minimize problems of drainage, erosion, earth movement, and similar hazards as well as visually unpleasant relationships.
- b. Ensuring that the planning, design, and construction of a development will be done in a manner which provides both maximum safety and human enjoyment, while making it as unobtrusive in the natural terrain as possible.
- c. Ensuring, insofar as practical in permitting reasonable development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other similar hazards and to aid in preservation of natural scenic qualities of the City.
- d. Reducing air pollution caused by dust blown from areas under development.
- e. Preventing the premature cutting of roads and building sites in newly developing areas of the City.

3. RELATIONSHIP TO OTHER ORDINANCES

This ordinance is intended to help implement the Comprehensive Plan of the City of Manitou Springs. In that regard, it supplements the Subdivision Regulations and the Zoning Ordinance by prescribing standards and criteria for judging how a development will actually affect the terrain, drainage, or vegetation, etc., immediately before construction is to take place, or minerals and material are to be removed.

4. GRADING PERMITS - WHEN REQUIRED

No person shall commence or proceed with any modification of the natural terrain without seeking and obtaining a grading permit from the Planning Director, if such modification will result in any of the following:

- a) An excavation, fill or combination thereof in excess of 100 cubic yards.
- b) An excavation which, at its greatest depth, will be three (3) or more feet below the ground surface, over an area of 500 square feet or more.
- c) A fill which, at its greatest depth, will be three (3) or more feet above the ground surface, over an area of 500 square feet or more.
- d) An excavation or fill which falls within a public sewer, water main, storm drainage, power line, public right-of-way, or any other public utility easement. This includes the preparation of roads, sidewalk, etc.
- e) Vegetation removal over an area 500 square feet or more.
- f) Mining, quarrying, or gravel operations.
- g) Any major excavation by the City of Manitou Springs.

5. PERMIT EXEMPTIONS

No permit shall be required when grading is performed in the following circumstances:

- a) An excavation below finished grade ³⁹ easements and footings of a building, retaining wall or other structure authorized by a valid building permit.
- b) Solid waste disposal sites operated by the public or under public regulations.
- c) An excavation by the City for the purpose of maintenance of City utilities, buildings, streets, or easements.
- d) An excavation by a private individual for the purpose of routine maintenance.
- e) Tilling the ground for agricultural purposes or protection.

6. APPLICATION FOR A GRADING PERMIT

A. PROCEDURE

- The individual shall first present the details of the proposed grading to the Planning Director.
- The Planning Director may approve, disapprove, or conditionally approve the application. If the action taken by the Planning Director is unfavorable as far as the individual is concerned he may appeal same to the Planning Commission. If the action taken by the Planning Commission is unfavorable as far as the individual is concerned he may appeal same to the City Council. Major or Minor Development requests must be approved by City Council prior to issuance of a Grading Permit in connection with same.
- Upon approval by the Planning Director, Planning Commission or City Council, the individual may apply for the grading permit at the Regional Building Department.
- Inspections of the work and administration of the permit will be done by the Regional Building Department in accordance with the Uniform Building Code (as adopted).

B. DETAILS OF APPLICATION

The application for a grading permit for a major or minor development shall be submitted to the Planning Director in five (5) copies.

1. MAJOR DEVELOPMENT DETAILS

The applicant shall be prepared by a registered professional engineer and shall consist of a grading plan drawn at an appropriate scale (1" = 50' at a minimum) with:

- a) Location of existing and proposed buildings or structures on the applicant's property.
- b) Location of all existing and proposed streets, roadways, driveways,

easements, and right-of-ways.

- c) The present contours of the site in dashed lines and the proposed contours in solid lines. Contour intervals shall not be less than two (2) feet. The source of topographical information shall be indicated.
- d) The location of all drainage to, from, and across the site, the location of intermittent and permanent springs, and culverts and other drainage structures.
- e) Details of any proposed drainage structures, cribbing, terraces, and/or surface protection, not including vegetative cover, required as a result of grading and required for the support of adjoining property.
- f) Grading specifications.
- g) Profiles. 40
- h) Statement of the estimated starting and completion dates for the grading work proposed and any landscape work that may be required.
- i) Drainage calculations shall be required only where existing runoff patterns have been modified by proposed grading. Where a drainage study exists for the subdivision and the grading plans conform to proposed drainage patterns, a letter indicating conformance to the original drainage plan shall meet the intent of this requirement. Under these conditions drainage calculations would not be necessary.
- j) A soils report for a subdivision should supply the needed soils information for all individual lots within the subdivision unless site conditions indicate the need for additional information on a specific lot. Soils reports shall be required on individual lots only where unusual conditions exist or soils information is totally lacking. The report shall consist of information relative to the stability of cut and fill slopes, compaction requirements, erosion tendencies and bearing capacities when needed.
- k) Landscape plans and specification for the site, and if appropriate, information relating to landscaping of adjacent or surrounding areas affected by the proposed development. Such plans and specification shall be prepared by a licensed landscaped architect. These plans shall show:
 - 1) Distribution of plant material, ground cover, rockscaping; general location, quality and key number of each species of plant in each group; outline of all lawn areas, areas to be seeded, and sodded; existing trees, if any to be preserved, transplanted, or removed; kind, size and work involved as related to slope control and/or physical environment.
 - 2) List of plant material giving standard botanical plant names and key number for each variety for reference to plan, and in addition, the size, quality or other pertinent description common to the trade.
 - 3) A statement describing the methods for planting the areas to landscaped with special emphasis on (a) soil preparation, fertilization, plant material and methods of planting, and (b) initial maintenance of the plant material and slopes until a specified percentage of plant coverage is established uniformly on the cut and fill slopes.

- 4) Details of all items and features pertaining to site preservation and improvements such as retaining walls, and tree wells, and details not shown on other plans accompanying the application.
 - 5) Guarantee of replacement of plants that die within 18 months after planting.
 - 6) Such other and further details as may be specified and required by the City Engineer to carry out the purposes of this ordinance.
- l) Such other information as shall be required by the City Engineer.

NOTE: If any of the material required for the grading permit application has been previously submitted as part of the planning permission as subdivision processes then that submittal shall be referenced and the items may not be submitted as part of the grading application.

2. MINOR DEVELOPMENT DETAIL⁴¹

The application shall be legibly drawn⁴¹ at appropriate scale preferably by an architect, landscape architect, land planner or engineer and shall contain, at a minimum, the following:

- a) Location of existing and proposed buildings or structures on the applicant's property.
- b) Location of all existing and proposed streets, roadways, driveways, easements and rights-of-way.
- c) The location of all drainage to, from and across the site, the location of intermittent and permanent springs, and culverts and other drainage structures.
- d) Details of any proposed drainage structures, cribbing, terraces and/or surface protection, not including vegetative cover, required as a result of grading and required for the support of adjoining property.
- e) Grading specifications.
- f) Statement of the estimated starting and completion dates for the grading work proposed and any landscape work that may be required.
- g) Other.

C. DISPOSITION OF COPIES AND PLANNING DIRECTOR ACTION

Within five (5) working days of submission, the Planning Director shall send a copy of the application and all related information, as applicable, to the following:

- 1) City Engineer
- 2) Regional Building
- 3) Regional Floodplain Administrator
- 4) Streets Superintendent

Each of these groups shall review the application and make written comments and recommendations for compliance with their requirements to the Planning Director.

Within fifteen (15) working days from the date of distribution for review, the Planning Director shall either approve, disapprove or conditionally approve the request based upon the purpose and criteria found in this appendix.

D. DENIAL OF PERMIT

When, in the opinion of the Planning Director, Planning Commission, or the City Council, the work proposed by the applicant is contrary to the purposes of this appendix, the grading permit shall be denied.

Factors to be considered in the denial shall include, but not be limited to, possible saturation of fill and unsupported cut by water, both natural and domestic runoff surface waters that cause erosion, and silting of drainage ways; subsurface conditions such as the rock strata and faults, nature and type of soil or rock that when disturbed by the proposed grading may create earth movement and produce slopes that cannot be landscaped and excessive and unnecessary scaring of the natural landscaped through grading or removal of vegetation.

E. CONDITIONS OF ISSUANCE

A permit may be issued with condition ⁴² and, but not limited to those listed as follows:

- 1) Limitation of the hours of operation or the period of year in which work may be performed.
- 2) Restrictions as to the size and type of equipment.
- 3) Designations of routes upon which materials may be transported.
- 4) The place and manner of disposal of excavated materials.
- 5) Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public, or any portion thereof.
- 6) Designation of maximum or minimum slopes to be used if they vary from those prescribed in this ordinance.
- 7) Regulations as to the use of public streets and places in the course of the work.
- 8) Regulations as to the degree of compaction of fill material.
- 9) Requirements as to paving private driveways and roads constructed under the permit.
- 10) Requirements for safe and adequate drainage of the site.
- 11) A requirement that approval of the City Engineer be secured before any work which has been commenced may be discontinued.
- 12) A requirement that men and equipment be provided at the site during storms

to prevent incomplete work from endangering life or property.

- 13) Requirements for fencing of excavation or fills which would be hazardous without such fencing.

F. FAILURE TO START DEVELOPMENT

If final inspection approval by the Planning Director of a Grading Permit for a major development is not made within twelve (12) months after permission has been granted by the Planning Director, Planning Commission or City Council then that permission will lapse, unless good cause can be shown to the entity which originally approved the application, that the permission should not lapse. In the event good cause is shown, the permission may be extended for up to one, six (6) month period.

If final inspection approval by the Planning Director of a Grading Permit for a minor development is not made within six (6) months after permission has been granted by the Planning Director, Planning Commission or City Council then that permission will lapse, unless good cause can be shown to the entity which originally approved the application that the permission should not lapse. In the event good cause is shown, the permission may be extended for up to one, three (3) month period.

G. RECLAMATION

Within 30 days of the lapse of a Grading Permit the owner of the property for which the permit was granted shall file a reclamation plan for approval by the Planning Director. The reclamation plan shall be designed to return the site to as close to the condition existing prior to grading as deemed reasonable by the Planning Director.

H. SECURITY REQUIRED

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The applicant for a Grading Permit may be required to file security in the form of a surety bond, irrevocable letter of credit, or other such guarantee satisfactory to the City, in an amount deemed sufficient by the City Engineer to cover all costs of reclamation of the site in the event that the improvements are not in accordance with the approved Grading Permit. Said security shall be returned to the applicant within 30 days of final approval of the improvements by the Planning Director. In such case that use of the security as described above occurs any monies in excess of that required for reclamation shall be returned to the applicant.

7. INSPECTIONS

Periodic inspections of the work shall be made by the Regional Building Department. Specifications for slopes, compaction, etc., shall be as promulgated in the Uniform Building Code, as currently adopted.

8. EROSION CONTROL

All cut and fill surfaces created by grading and subject to erosion except plowing or discing for agricultural or fire break purposes shall be planted with a ground cover that is compatible with the natural ground covers in the City and that will thrive with little or no maintenance once established. Topsoils are to be stockpiled during rough grading and used on cut and fill slopes. On slopes likely to be extensively disturbed by later construction, an interim ground cover may be planted to be supplemented by the permanent ground cover and/or shrubs and trees when the site is finally developed and landscaped. When slopes too steep to support continuous ground cover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous ground cover, but may instead be screened with vines and plantings. Cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings. All plant materials shall be satisfactory to the approving authority for the grading permit.

9. AIR POLLUTION CONTROL

Efforts will be made to abate the dust caused by the development of sites. Such methods as watering, erosion controls, chemical treatment, etc., may be used, but dust shall be minimized.

10. FEES

Fees shall be set by the City of Manitou Springs.

11. RESPONSIBILITY

Failure of the City officials to observe and recognize hazardous or unsightly conditions, or to deny or recommend denial of the grading permit, or of the Planning Commission or City Council to deny said permit, shall not relieve the permittee of responsibility for the condition or damages resulting therefrom, and shall not result in the City of Manitou Springs, its officer, or agents, being responsible for the conditions or damages resulting therefrom.